



January 17, 2008

Sonar Ruling – Presidential Exemption

"We can protect our national security while simultaneously being good stewards of the environment. We are already taking extensive measures to protect marine mammals, and we have had positive results from those measures. We are furthermore committed to an extensive data collection effort to help inform our future efforts in this regard."

– The Honorable Donald C. Winter, Secretary of the Navy

Court ruling is detrimental to Fleet readiness.

In orders dated January 3 and 10, 2008, a District Court in California issued a preliminary injunction creating a number of mitigation measures that would preclude effective training, including requiring sonar to be shut down anytime marine mammals are within 2,200 yards and reducing sonar power when significant surface ducting conditions exist whether or not mammals are present. Until lifted by the federal courts, the order also requires the Navy to:

- Apply the 2,200-yard shutdown zone to ships, sonobuoys, and helicopter dipping sonar.
- Stop using sonar altogether in the Catalina Basin.
- Take additional monitoring steps prior to and during sonar exercises.

Executive branch took two actions intended to provide the Navy the ability to train and certify strike groups through January 2009.

- In accordance with the provisions of the Coastal Zone Management Act (CZMA), the President concluded that an exemption is appropriate because continuing these vital exercises without the restrictions imposed by the Court is in the paramount interests of the United States.
- The Council on Environmental Quality approved the Navy's request for alternative arrangements for compliance with the National Environmental Policy Act (NEPA) for these exercises until completion of the Southern California Range Complex environmental impact statement.
 - Secretary of the Navy Donald Winter signed a decision memorandum agreeing to those arrangements, which include adaptive management measures, more thorough reporting procedures, increased public participation, and increased research on marine mammals.

The Navy has presented these exemptions and asked the Court to vacate or temporarily stay its injunction.

Key Messages

- We cannot in good conscience send American men and women into potential trouble spots without adequate training to defend themselves.
- The southern California operating area provides unique training opportunities that are vital to preparing our forces, and the planned exercises cannot be postponed without impacting national security.
- These two important steps to allow the Navy to conduct effective, integrated training with sonar have been taken under existing law and regulations.

Facts & Figures

- Approximately half the Navy's fleet will train in the Southern California area before deployments.
- Before the court's order, the Navy already employed 29 mitigating measures, developed in cooperation with the National Marine Fisheries Service.
- Analyzing the littoral acoustic environment is much more complicated than in deep water, effectively reducing our ability to detect vessels at longer ranges.
- More than 40 countries have quiet diesel-electric submarines; there are more than 300 diesel submarines worldwide.